

### **Remarks**

The claimed invention is directed to a hot melt adhesive that is formulated for application to a substrate surface at a temperature of less than about 110°C. The claimed adhesive formulation contains ethylene n-butyl acrylate as the only ethylene copolymer present in said adhesive, a paraffin wax, a rosin derived tackifier and an aromatic tackifier.

Claims 1-3, 6-9 and 11-13 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Halloran et al. (U.S. Patent No. 6,239,208).

Halloran is cited as disclosing ethylene copolymer in claim 1, paraffin wax in claim 2, tackifiers in claim 3, ethylene n-butyl acrylate copolymer in claim 4 and a blend of rosin derived tackifier and aromatic tackifier in the paragraph bridging cols. 7 and 8. It is the examiner's position that it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to select applicants' ingredients from a list of equivalents.

Applicants disagree.

The composition of Halloran is a flame retardant hot melt adhesive comprising at least one ethylene copolymer, a hydrated inorganic compound, at least one wax component and, optionally, a tackifying resin. The disclosure at col. 4, discusses the types of ethylene copolymers useful in the practice of the invention. This disclosure teaches the importance of the copolymer content and as teaching that preferred are ethylene vinyl acetate copolymer having a vinyl acetate content of about 28% and a MI of about 400 g/10min., and a blend of ethylene vinyl acetate copolymers having a vinyl acetate content of 28% and a MIs of 800 g/10min. and 2500 g/10min. (see, col. 4, line 66 to col. 5 line 5). There is no disclosure or suggestion of a hot melt adhesive formulated for low temperature application (below less than

about 110°C) that contain ethylene n-butyl acrylate as the only ethylene copolymer present in said adhesive, a paraffin wax, a rosin derived tackifier and an aromatic tackifier.

The claimed invention is not obvious over Halloran. Reconsideration and withdrawal is requested.

Claims 1-3, 6-9 and 11-13 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Haner et al. (U.S. Patent No. 6,593,407) or Haner et al. 2002/0146526.

Haner ('407) is cited as teaching the blend of rosin esters and terpene phenolics in column 4, lines 1-54 and ethylene n-butyl acrylate copolymer by itself in claims 6-7. Haner ('407) is cited as disclosing hot melt adhesives, modified rosin (claim 1), wax (claim 3), ethylene copolymer (claim 5), ethylene n-butyl acrylate (claims 6 and 7), paraffin wax (claim 10), ethylene vinyl acetate (claim 12), processes and methods (claim 15 and 16) and blends of rosin and terpene tackifier (col. 1, lines 47-55, col. 2, lines 41-48 and col. 4, lines 52-54). The published Haner '526 application is cited as being similar to the Haner '407 patent, but additionally discloses packaged articles using the hot melt adhesive. The Examiner urges that it would have been obvious to one skilled in the art, at the time the invention was made, to select applicants' ingredients from a list of equivalents.

Applicants disagree.

Applicants again note that the disclosure of the Haner '526 publication is identical to the Haner '407 patent disclosure and represents the publication of the application that issued as the Haner '407 patent. This is clear from the face of this patent. The originally filed claims 15-19, as set forth in the patent publication being withdraw due to a restriction requirement and then subsequently canceled.

Haner discloses hot melt adhesives that contain ethylene n-butyl acrylate and preferably

also at least one additional ethylene copolymer such as in particular ethylene vinyl acetate, and requires use of a modified rosin and/or modified terpene which as a molecular weight to softening point ratio of less than about 10 (col. 1, lines 38-45). Haner fails to disclose a hot melt adhesive which comprises ethylene n-butyl acrylate, a paraffin wax, a rosin derived tackifier and an aromatic tackier.

The claimed formulation would not have been obvious to the skilled artisan from either of the cited Haner disclosures. Reconsideration and withdrawal is requested.

Claims 1-3, 6-9 and 11-13 are rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-16 of Haner *et al.* (U.S. Patent No. 6,593,407). For the reasons set forth above, applicants submit that the claimed invention is not obvious over Haner.

Withdrawal of the obviousness-type double patenting rejection is requested.

Early and favorable action is requested.

Respectfully submitted,

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September 10, 2007

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